

## MINUTES OF THE MEETING

### PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

January 31, 1979

The ninth meeting of the Public Health, Welfare and Safety Committee met on January 31, 1979, in Room 410 of the State Capitol Building at 12:30 p.m.

ROLL CALL: All Committee members were present except Senator Rasmussen, Senator Lensink, and Senator Ryan. They arrived later in the meeting.

Chairman Olson introduced Walter Marshall and asked him to speak to the Committee about the Governor's Advisory Council on Aging. Mr. Marshall stated that there are about 22 members on the advisory council. There are seven areas in the state of Montana, and the council is composed of 2 to 3 people from each area. The council meets on a quarterly basis. He stated that aging services in the state of Montana is running between four and five million dollars per year. He said that each year there are more and more technical problems coming within the scope of legislation. The House has appointed a committee of six to study these problems. The aging services would like a select committee from the Senate of three to four members so that the aging services bills coming in will have members who are aware of the problems. Chairman Olson asked Committee members if they had any questions. The question was brought up as to whether this Committee would function year round. Mr. Walter said that was the intent. Senator Palmer said this is the intent of the House subcommittee, so that in the next two years they will be ready with a package of bills at the next session. Mr. Walter said that the committee would meet with the council three times a year in Helena and once a year some place else in the state, and the aging services would have money to reimburse mileage.

CONSIDERATION OF HOUSE BILL 59: House Bill 59 is an act to provide for a public member on the board of optometrists and to change the terms of board members from 6 years to 4 years.

Representative Paul Kropp from District 5 in Malta sponsored House Bill 59 at the request of the Department of Professional and Occupational Licensing. Representative Kropp stated that if this bill passes there would be four members appointed by the Governor -- three to be registered optometrists and one would be a representative of the public. They would serve for a term of four years.

Don Pratt, Montana Optometric Association, said that the association supports House Bill 59.

Representative Kropp closed testimony by saying that he would appreciate the Committee's favorable support of House Bill 59.

Chairman Olson asked the Committee members if they had any questions. The question was asked as to why the department wants this bill. Mr. Pratt said the bill would help the board comply with the Sunset Law. Senator Rasmussen said it was done to get consumer input. Senator Himsl said the trend seems to be getting the public concern. Senator Lensink wanted to know why the term was changed from 6 years to 4 years. Mr. Pratt said the rationale was that the committee would have a new member come on right now and each year thereafter.

The hearing was closed at 12:45 p.m.

ACTION ON HOUSE BILL 59: Senator Palmer moved that House Bill 59 be concurred in. The motion was seconded and unanimously passed by all Committee members that were present.

Senator Palmer moved that House Bill 59 be put on the consent calendar. Senator Himsl voted against the consent calendar because he feels the consent calendar has some serious drawbacks. Senator Palmer withdrew the motion.

Chairman Olson stated that he would ask the sponsor of House Bill 59 if he has anyone to carry the bill. If he does not, then one of the Committee members will be asked to carry House Bill 59 on the Senate floor.

ACTION ON SENATE BILL 136: The committee saw a movie entitled Helmets. Senator Norman moved that Senate Bill 136 do pass. Senator Himsl verified with the Committee that if this bill does not pass we would be right back where we were with 18 years of age or younger being required to wear a helmet. Senator Lensink stated that he is concerned about approving the bill because we just changed the law two years ago and because we are forcing safety on a minority group. He feels if we do this we should require all drivers to use safety belts. Chairman Olson showed the Committee the correspondence received which says that even if we use helmets we don't want to be told to wear them. Senator Himsl said he is worried about the motor bikes used by farmers and ranchers who become law breakers if they ride over a county

road to their property to herd cattle or ride fence without putting on a helmet. Senator Rasmussen said he still feels concern about the conflicting statistics and feels that a person over 18 should be mature enough to make his own decisions. Question was called for. Roll call vote was taken. The motion failed by a vote of four to three. Senator Himsl made a motion for a DO NOT PASS on Senate Bill 136. A roll call vote was taken. The motion passed four to three.

ACTION ON SENATE BILL 151: The Committee was referred back to the motion made by Senator Rasmussen to give Senate Bill 151 a DO NOT PASS. Senator Palmer stated that he thinks that some sort of limit or time frame for board members to serve is suitable. Senator Lensink expressed concern that this bill was addressed to a certain situation in Missoula. Senator Palmer feels that the situation might have created the idea but that it is a problem on all boards and, if the health area were taken care of first, then maybe other types of boards could be considered later. Senator Ryan expressed concern over how organizations such as Red Cross and United Way would fit into this bill. Senator Lensink stated that they are regulated by their by-laws and seem to have developed a pattern where a member can serve no more than two consecutive terms. The terms are usually for three years maximum. However, they do have difficulty in getting people to serve on these boards. Senator Himsl doesn't feel it is the state's function to enter into the by-laws. Senator Ryan pointed out that we have state-sponsored organizations who perform some functions listed in the bill, and the state doesn't have limits on these. Senator Rasmussen stated that he feels the government just can't intervene in every area; that there are some areas where people have to work out there own problems. Question was called for. Roll call vote was taken. The motion carried with a vote of five to two.

ACTION ON SENATE BILL 159: Senator Lensink said he is concerned about Dr. Anderson's strong testimony against the bill when the department would have to regulate it. He feels that this is a special interest group, and he doesn't like the idea of having special interest groups come into the department. He feels the need just isn't there. Senator Rasmussen said that on page 2 on line 9 of the bill the present statute does say "to develop a program to protect the health of mother and child," so he feels the problem is being taken care of now. Senator Norman asked about the fiscal note. Chairman Olson read the note to the committee. Senator Himsl asked about the cost and the insurance companies. Senator Norman explained the process and the

problems with the abortion clinics. It was pointed out that any hospital would give the medication if ordered by a physician and worry about being paid later. Senator Norman stated that he doubts if the abortion clinics even know if the woman is RH+ or RH-. Senator Lensink made a motion for a DO NOT PASS on Senate Bill 159. The motion was seconded, and a roll call vote was taken. The motion passed with a vote of five to two.

ACTION TAKEN ON SENATE BILL 186: Senator Norman made a motion for a DO PASS on Senate Bill 186. There was a question brought out about the title being confusing as to what the bill does. Dennis Taylor, Legislative Council, presented two amendments for the Committee's consideration to help solve this problem. Senator Norman withdrew his motion. It was pointed out that it might be more confusing to amend the title. Senator Lensink stated that he would rather not amend. Senator Himsl stated that he is concerned about the use of the words "certain types." Senator Norman stated that he would approve of taking out these words. After more discussion, it was felt that the title should remain as is. Senator Norman made a motion for a DO PASS on Senate Bill 186. The motion was seconded and passed unanimously.

ACTION ON SENATE BILL 175: Senator Palmer stated that Senator Van Valkenburg, sponsor of Senate Bill 175, does object to the amendments requested by Chad Smith and would like to be present if the Committee plans to amend the bill. Senator Rasmussen feels that the amendments have some merit. After some discussion, the Committee decided that they would like to consider some amendments to the bill in the area of enforcement and the designation of governing authority. Chairman Olson said that action on Senate Bill 175 would be postponed until Senator Van Valkenburg could be present.

ACTION ON HOUSE BILL 22: Chairman Olson read a memo from Ed Carney setting the record straight on the fees charged by the Board of Massage Therpists. After discussion on the need for an increase in fees, Senator Rasmussen made a motion that House Bill 22 BE CONCURRED IN. The motion was seconded and carried unanimously.

ANNOUNCEMENTS: Chairman Olson announced that Senate Bill 97 was posted for hearing on February 16 and would be held in Room 104.

Chairman Olson asked the Committee's opinion on establishing a committee on aging. Senator Palmer stated that he is very interested in doing something if the Senate committee worked with the select committee in the House. Discussion followed on the position that a subcommittee would take and whether it would hear any bills on aging at the next session. Senator Ryan feels that public health is just a small part of the problem on aging and shouldn't be responsible for the whole picture. Chairman Olson stated that he would have a conference with the leadership to find out what position the subcommittee would have, if it could work with the house, and if it would hear all the bills or if the bills would still go out to the regular committees.

ADJOURNMENT: There being no further business to discuss, the meeting was adjourned at 2:25 p.m.



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S. A. OLSON, CHAIRMAN

ROLL CALL  
PUBLIC HEALTH COMMITTEE

46th LEGISLATIVE SESSION - - 1979

Date 1-21-79

NAME	PRESENT	ABSENT	EXCUSED
Olson, S. A., Chairman	/		
Rasmussen, A. T., V. Chr.		/	
Himsl, Matt V.	/		
Lensink, Everett R.		/	
Norman, Bill	/		
Palmer, Bob	/		
Ryan, Patrick L.		/	

SENATE B. J. Wirth COMMITTEE

BILL \_\_\_\_\_

VISITORS' REGISTER

DATE 1-2-77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
<del>W. L. MARSH ARIZ</del>	AGING SERVICES ON REQUEST OF SENATOR			
Roland A. Pratt	MT Optometric Assoc	HB 389	<input checked="" type="checkbox"/>	
Jim Pellegrini	LAC			



*The Big Sky Country*

MONTANA SENATE SENATOR

OFFICE OF THE PRESIDENT

L. "BILL" MATHERS  
DISTRICT NO 26  
CUSTER & PRAIRIE

P.O. BOX 267  
MILES CITY, MT. 59103

January 26, 1979

Mr. Ben Smith, Chairman  
Governor's Advisory Council on Aging  
Social & Rehabilitation Services  
P.O. Box 4210  
Helena, Montana 59601

449-5650

Dear Mr. Smith:

Your letter of January 25, 1979 requesting that a Senate Committee on Aging be created has been referred to the Chairman of the Standing Committee on Public Health, Welfare and Safety.

The Senate has not been appointing additional standing committees and the recommended practice is that if the Chairman of a Senate Standing Committee, in this case Public Health, Welfare and Safety, finds it appropriate to appoint a sub-committee in the concerned area, he may do so.

Sincerely,

W. L. "Bill" Mathers  
President of the Senate

WLM/lis

cc: Senator Olson, Chairman  
Public Health, Welfare & Safety

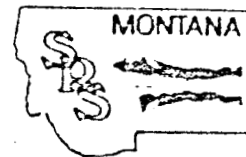


The Big Sky Country



STATE OF MONTANA  
SOCIAL AND REHABILITATION SERVICES

P O BOX 4210  
HELENA, MONTANA 59601



THOMAS L. JUDGE  
GOVERNOR  
Keith L. Colbo  
DIRECTOR

COMMUNITY SERVICES DIVISION  
EDWARD MALENSEK  
ADMINISTRATOR

January 25, 1979

Senator Bill Mathers, President  
Montana Senate Room 363  
Capitol Building  
Helena, MT 59601

Dear Senator Mathers:


The State Advisory Council on Aging strongly requests that the Montana Senate establish a Senate Committee on Aging.

The lead that the House of Representatives has taken in establishing their Committee on Aging allows Montana's 110,000 elderly an opportunity to be represented in state government.

The Senate Committee on Aging would provide a strong force in the Legislature for these most deserving people who are responsible for the years of success Montana has enjoyed.

I encourage you to develop this Committee to work with the House members to develop a joint effort for the elderly of Montana.

Sincerely,

  
Ben Smith, Chairman  
Governor's Advisory Council on Aging

## STATE OF MONTANA

Request No. 50-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, 1979, there is hereby submitted a Fiscal Note for Senate Bill 159 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 159 is an act to authorize a program for the prevention of RH Hemolytic Disease.

## ASSUMPTIONS:

1. Nine percent of Montana births (1,350 cases) are RH incompatible.
2. The cost per unit of RH immune globulin is \$35.
3. Inflation will increase costs 6% per year.
4. One half-time professional nurse and one full-time clerical employee will be required to support the program.
5. Approximately 13% of child bearing mothers are hardship cases.

## FISCAL IMPACT:

	<u>FY 80</u>	<u>FY 81</u>
Personal Services	\$19,025	\$20,160
Operating Costs	8,150	8,640
Capital Outlay	<u>2,000</u>	<u>---</u>
Total additional expenditures due to proposed legislation	<u>\$29,175</u>	<u>\$28,800</u>

The additional expenditures must be supported with State General Fund monies.

## LOCAL IMPACT:

None.

*Richard L. Drayton*  
 BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 Date: 1/24/79

STATE OF MONTANA

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING

HELENA, MONTANA 59601

THOMAS L. JUDGE  
GOVERNOR



ED CARNEY  
DIRECTOR  
LALONDE BUILDING  
(406) 449-3737

*File*

January 26, 1979

To: Senator Olson  
From: Ed Carney *Ed Carney*  
Re: House Bill No. 22--Board of Massage Therapists

Your question on the renewal fee in Committee, which I did not answer very well, caused me to look in the minutes of Board meeting to see what the exact renewal fees have been down thru the years.

The Board was organized in 1967, first renewal fee was for 1968 and it was \$20. and remained at that figure until the 1976 renewal and it was set at \$25. and it remains at that level today. The appropriation in 1970 FY was \$3000. and in FY 79 it is \$2560. so they have done an excellent job of holding the money requests in line. Because of fewer licensee's and the ceiling on renewal fees they have had to reduce their expenditures.

NAME: Richard P. Pratt DATE: 1/31/79

ADDRESS: Helena

PHONE: 442-1432

REPRESENTING WHOM? MT Optometric Assoc

APPEARING ON WHICH PROPOSAL: HB 59

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE COMMITTEE PUBLIC HEALTH

Date 1-31-79 HOUSE Bill No. 59 Time 12:45 p.m.

NAME	YES	NO
Senator Matt V. Himsl	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	(Absent)	
Senator A. T. Rasmussen, Vice-Chairman	✓	
Senator S. A. Olson, Chairman	✓	

*S. A. Olson*  
Secretary

*S. A. Olson*  
Chairman

Motion: Motion was made for a Do Pass on House Bill 59.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH

Date 1-31-79 Senate Bill No. 136 Time 1:25 p.m.

NAME	YES	NO
Senator Matt V. Hims1		✓
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer		✓
Senator Patrick Ryan	✓	
Senator A. T. Rasmussen, Vice-Chairman		✓
Senator S. A. Olson, Chairman		✓

*S. A. Olson*  
Secretary

*S. Olson*  
Chairman

Motion: Motion was made to Do Pass on Senate Bill 136

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(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH

Date 1-31-79 SENATE Bill No. 136 Time 1:35 p.m.

NAME	YES	NO
Senator Matt V. Hims1	✓	
Senator Everett R. Lensink		✓
Senator Bill Norman		✓
Senator Bob Palmer	✓	
Senator Patrick Ryan		✓
Senator A. T. Rasmussen, Vice-Chairman	✓	
Senator S. A. Olson, Chairman	✓	

*Judy Olson*  
Secretary

*S. A. Olson*  
Chairman

Motion: Motion was made to Do Not Pass Senate Bill 136

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH

Date 1-31-79 Senate Bill No. 151 Time 1:50 p.m.

NAME	YES	NO
Senator Matt V. Hims1	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman		✓
Senator Bob Palmer		✓
Senator Patrick Ryan	✓	
Senator A. T. Rasmussen, Vice-Chairman	✓	
Senator S. A. Olson, Chairman	✓	

Andy S. Olson  
Secretary

S. Olson  
Chairman

Motion: Motion was made to Do Not Pass Senate Bill 151.

(include enough information on motion--put with yellow copy of committee report.)



SENATE COMMITTEE PUBLIC HEALTH

Date January 31, 1979 Senate Bill No. 159 Time 2:00 p.m.

NAME	YES	NO
Senator Matt V. Hims1	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer		✓
Senator Patrick Ryan		✓
Senator A. T. Rasmussen, Vice-Chairman	✓	
Senator S. A. Olson, Chairman	✓	

M. Olson  
Secretary

S. Olson  
Chairman

Motion: Motion was made for a Do Not Pass on Senate Bill 159

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(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH

Date 1-31-79 Senate Bill No. 186 Time 2:05 p.m.

NAME	YES	NO
Senator Matt V. Hims1	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	✓	
Senator A. T. Rasmussen, Vice-Chairman	✓	
Senator S. A. Olson, Chairman	✓	

*S. A. Olson*  
Secretary

*S. Olson*  
Chairman

Motion: Motion was made for a Do Pass on Senate Bill 186

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(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH

Date 1-31-79 HOUSE Bill No. 22 Time 2:10 p.m.

NAME	YES	NO
Senator Matt V. Hims1	✓	
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	✓	
Senator A. T. Rasmussen, Vice-Chairman	✓	
Senator S. A. Olson, Chairman	✓	

*Quincy D. Olson*  
Secretary

*S. A. Olson*  
Chairman

Motion: Motion was made for a Do Pass on House Bill 22.

(include enough information on motion--put with yellow copy of committee report.)